and advantages of using a gateway to connect a resource distribution network to a subscriber or client network. It is respectfully submitted that the present invention does not employ a gateway connected to the master cache. The gateway referred to in the presently pending Claims is located at the receiving end of the satellite broadcasting system, not at the master cache.

Furthermore, it is respectfully submitted that the Humphrey patent does not disclose or suggest a gateway as that entity is known in the art at the receiving end of a satellite broadcasting system. A satellite receiver is located at the clients' local cache system that is used to receive information broadcast by way of the satellite broadcasting system. However, this is not a gateway as is employed in the present invention.

In particular, it is stated in the Humphrey patent that "each client has a local cache system that includes a satellite broadcast receiving system, a cache adapter, a cache, and a cache disc for storing information and data received from the internet or the system". However, this is not a disclosure or suggestion of the use of a gateway as is employed in the present invention. Therefore, it is respectfully submitted that the Humphrey patent does not disclose or suggest "a gateway for receiving content that is distributed by the data distribution system from the master cache" as is recited in Claim 1.

The Humphrey system does utilize software, but this software does not operate in the manner as the software employed in the present invention. It is stated in the Humphrey patent that the "master cache has a software program for controlling measurement of the number of information and data requests and determining the level of interest in a particular piece of information or data". This software program "sets the priority of the information and data to be transmitted by the satellite broadcast linking system" and controls "the measurement of the number of information and data requests and determining the level of interest in a particular piece of information or data".

It is stated in the Humphrey patent that "The master cache center analyzes the miss data from all the local cache sites and determines the information and data that are of a sufficient interest to the internet community, using the software program to do so. This determines the information and data that is sent by means of the satellite broadcasting system to all of the local cache sites in the system". The Humphrey patent states that "the master cache has a software program that determines at what point the level of interest is sufficient to broadcast the information or data to all the internet service providers, whether or not they have requested the information".

The Humphrey system also "disseminates a program for selecting data elements for storage in the local caching system". The software program "instructs the local caching system to search its own storage for the information or requested data, then request the information from the cache adapter and then search other areas, such as the internet" for the requested data.

It is respectfully submitted that the Humphrey patent does not disclose or suggest anything regarding harvesting software that processes information from the master cache and

the gateway that corresponds to probability distributions that the local caches satisfy requests from their respective users to predictively distribute the desired content to the respective users.

There is no disclosure or suggestion in the Humphrey patent regarding processes information corresponding to probability distributions that the local caches satisfy requests from their respective users. The Humphrey patent does not discuss anything regarding probability distributions. There is no disclosure or suggestion in the Humphrey patent regarding predictive distribution of desired content to the respective users. The Humphrey patent contains absolutely no discussion regarding predictive distribution of information to users. The Humphrey patent does not disclose or suggest anything regarding harvesting software that processes information contained in transmit hit/miss data and probability tables. Probability tables are not discussed in the Humphrey patent. The word "probability" is not used in the Humphrey patent.

With regard to Claim 1, it is respectfully submitted that the Humphrey patent does not disclose or suggest "harvesting software coupled to the master cache and the gateway for processing information corresponding to probability distributions that the local caches satisfy requests from their respective users to predictively distribute the desired content to the respective users", as is recited therein.

Accordingly, it is respectfully submitted that Claim 1 is not obvious in view of the Humphrey patent and is therefore patentable thereover. Accordingly, Therefore, withdrawal of the Examiner's rejection of Claim 1 is respectfully requested.

With specific regard to Claim 2, it is respectfully submitted that the Humphrey patent does not disclose or suggest "harvesting software processes information contained in transmit hit/miss data and probability tables generated at the gateway", as is recited therein. The Humphrey patent does disclose at column 5 that "The cache adapter 27 sends a message over the internet to the master caching center 21 regarding the "miss" of the requested information. The master cache 21 records all the information regarding the miss and measures the amount of interest in the information or data from the local caching systems 25 through 25c." However, it is respectfully submitted that while a "miss" message may be sent to the master cache and recorded, this is not a disclosure or suggestion regarding harvesting software processes information contained in transmit hit/miss data and probability tables generated at the gateway. Nothing whatsoever is disclosed or suggested regarding probability tables in the Humphrey patent.

Therefore, it is respectfully submitted that Claim 2 is not obvious in view of the Humphrey patent and is therefore patentable thereover. Dependent Claim 2 is also considered patentable based upon the patentability of Claim 1 from which it depends. Accordingly, withdrawal of the Examiner's rejection of Claim 2 is respectfully requested.

Dependent Claims 3 and 4 are considered patentable based upon the patentability of Claim 1 from which they depend. Accordingly withdrawal of the Examiner's rejection of Claims 3 and 4 is respectfully requested.

Independent Claim 9 provides for a method for transferring content distributed by a data distribution system to a gateway into a local cache. The method comprises creating a pseudo client on the gateway, receiving an interrupt at the pseudo client indicating that that content has arrived at the gateway, enabling the gateway as a sibling cache for the local cache, requesting content to be transferred from the sibling cache to the local cache, verifying that content has been transferred to the local cache during the transfer process, disabling the gateway as a sibling cache of the local cache at the completion of the process, and causing the local cache to retrieve the content from the sibling cache until all content has been transferred.

With specific regard to the claimed aspects recited in Claim 9, it is respectfully submitted that there is no disclosure or suggestion in the Humphrey patent regarding "creating a pseudo client on the gateway". The term "pseudo client" is not used in the Humphrey patent nor is there any disclosure that would correspond to a pseudo client. There is no disclosure or suggestion in the Humphrey patent regarding "receiving an interrupt at the pseudo client". There is no disclosure or suggestion in the Humphrey patent regarding "enabling the gateway as a sibling cache for the local cache". There is no disclosure or suggestion in the Humphrey patent regarding "requesting content to be transferred from the sibling cache to the local cache". There is no disclosure or suggestion in the Humphrey patent regarding "verifying that content has been transferred to the local cache during the transfer process" in the context of the recitation of Claim 9. There is no disclosure or suggestion in the Humphrey patent regarding "disabling the gateway as a sibling cache of the local cache at the completion of the process", There is no disclosure or suggestion in the Humphrey patent regarding "causing the local cache to retrieve the content from the sibling cache until all content has been transferred.

The Examiner stated that the Humphrey patent teaches the step of "indicating that content has arrived at the cache adapters 27 (see col. 5, Humphrey discloses that when content arrives at the satellite receivers 26, data is transferred to the cache adapters 27 which request cache 28 to retrieve the content available)", However, it is respectfully submitted that this is not a disclosure regarding creating a pseudo client or creating a pseudo client on a gateway as is presently claimed.

The Examiner stated that the Humphrey patent teaches the step of "enabling the cache adapters as a cache of the local cache during the transfer process (see col. 5, Humphrey discloses that the cache adapters receive content from satellite receivers, then request the local cache to retrieve the content)". However, this is not a disclosure regarding enabling the gateway as a sibling cache for the local cache. There is no sibling cache created or enabled in the Humphrey system.

The Examiner stated that the Humphrey patent teaches the step of "verifying that content has been transferred to the local cache during the transfer process (see col. 5, Humphrey discloses that the cache adapters 27 request that the local cache find the content needed by the local cache)". However, this is not a disclosure regarding verifying that content has been

transferred [from the sibling cache] to the local cache during the transfer process, since the Humphrey system does not employ a sibling cache.

The Examiner stated that the Humphrey patent teaches the step of "disabling the cache adapter as a cache of the local cache at the end of the transfer process (see col. 5, Humphrey discloses that the cache adapters do not store information after the content is delivered to local cache 28); causing the local cache to retrieve the content from the cache adapter until all content has been transferred (see col. 5, Humphrey discloses that the cache adapters receive content from satellite receivers, then request the local cache to retrieve the content)". However, this is not a disclosure regarding disabling the gateway as a sibling cache of the local cache at the completion of the process. There is no sibling cache created in the Humphrey system.

The Examiner stated that "Official Notice" is taken that the concept and advantages of using a gateway to connect a resource distribution network to a subscriber or client network is old and well known in the network communication art. It is respectfully submitted that taking of such Officinal Notice is clearly not supported by the teachings of the Humphrey patent. There are no gateways used in the Humphrey system that correspond to the gateway used in the present invention. Support for the Examiner's position is therefore derived from the teachings of the present application.

Therefore, it is respectfully submitted that Claim 9 is not obvious in view of the Humphrey patent and is therefore patentable thereover. Accordingly, withdrawal of the Examiner's rejection of Claim 9 is respectfully requested.

Independent Claim 10 provides for a method for building a master cache used to transfer content by way of a data distribution system to a local cache. This method comprises processing statistics derived from the master cache and the local cache to produces a list of content to add to the master cache and a list of content to delete from the master cache, forming a pseudo client to retrieve and verify the content to be added to the master cache, and transmitting the verified content from the master cache to the local cache.

It is respectfully submitted that there is no disclosure or suggestion in the Humphrey patent regarding either "processing statistics derived from the master cache and the local cache to produces a list of content to add to the master cache and a list of content to delete from the master cache", or "forming a pseudo client to retrieve and verify the content to be added to the master cache". There is no disclosure or suggestion in the Humphrey patent regarding these steps. There is no statistical processing performed in the Humphrey patent. Also, it is absolutely clear that there is no pseudo client formed to retrieve and verify the content to be added to the master cache employed in the Humphrey system.

Therefore, it is respectfully submitted that Claim 10 is not obvious in view of the Humphrey patent and is therefore patentable thereover. Accordingly, withdrawal of the Examiner's rejection of Claim 10 is respectfully requested.

Dependent Claims 11 and 12 are considered patentable based upon the patentability of Claim 10 from which they depend. Also, with regard to Claim 11, the Humphrey patent

discloses or suggests nothing regarding "processing information corresponding to probability distributions that the local caches satisfy requests from their respective users to predictively distribute the desired content to the respective users". Probability distributions are not discussed in the Humphrey patent. With regard to Claim 12, the Humphrey patent discloses or suggests nothing regarding "processing information contained in transmit hit/miss data and probability tables". Probability tables are not discussed in the Humphrey patent.

Therefore, it is respectfully submitted that Claims 11 and 12 are not obvious in view of the Humphrey patent and are patentable thereover. Accordingly, withdrawal of the Examiner's rejection of Claims 11 and 12 is respectfully requested.

Claims 5-8 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The finding of allowable subject matter in this application is appreciated. However, Claims 5-8 have not been placed in independent form at this time pending consideration of the arguments regarding the patentability of the present invention contained herein.

The prior art cited by the Examiner but not applied is considered relevant to the extent indicated by the Examiner.

In view of the above amendments and arguments, it is respectfully submitted that all presently pending Claims are not anticipated by, nor are they obvious in view of, the cited patents and are allowable over the art of record. Therefore, it is respectfully submitted that the present application is in condition for allowance. Reconsideration and allowance of this application are earnestly solicited.

Respectfully submitted,

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